

### **REMARKS**

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1-20 are pending in the subject application, with amended Claim 1 being in independent format. With this Amendment and Reply, Applicant submits a petition for a three-month Extension of Time, with the requisite fee, to extend the due date of the response to the Office Action, mailed May 20, 2004, from August 20, 2004 to November 20, 2004.

Claim 1 has been amended to recite: "A device for securing and adjusting laces....said at least one central aperture *comprising at least four sides* and forming at least two wedge angles facing each lateral aperture." Support for the amendment can be found on page 5, line 33 of the specification as originally filed. It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

#### ***Specification***

The Examiner objected to the abstract of the disclosure because it contained the phrase "The present invention provides a". In response, the abstract has been amended to eliminate this phrase. Applicant respectfully submits that the amended abstract is in compliance with the proper language and format rules, according to MPEP § 608.01(b). It is therefore urged that the objection to the abstract of the disclosure be properly withdrawn.

#### ***Claim Rejections – 35 U.S.C. §102(b)***

Claims 1-5, 14-15, and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by *Stewart* (U.S. Patent No. 656,431). This rejection is respectfully traversed, particularly in view of the following remarks.

The Examiner alleges that *Stewart* teaches a device for securing and adjusting laces, cords, and stings, comprising: a body having a top surface (plate A as disclosed by *Stewart*), a bottom surface, and a perimeter, wherein the body is provided with at least two apertures (element C as disclosed by *Stewart*) positioned laterally on opposite sides of a center of the body, wherein the body further being provided with at least one aperture (element B as disclosed by

*Stewart*) positioned near the center of the body, and wherein the at least one central aperture forms at least two wedge angles (element D as disclosed by *Stewart*) facing each lateral aperture.

Applicant respectfully submits that *Stewart* fails to disclose each element of amended Claim 1. Therefore, none of Claims 1-5, 14-15, and 19 are anticipated by *Stewart*.

Claim 1 of the subject application, as amended, now recites "a device for securing and adjusting laces, cords, and strings....said at least one central aperture comprising at least four sides and forming at least two wedge angles facing each lateral aperture."

*Stewart* discloses a cord-adjuster consisting of a plate (A) having "throats" (C) in the upper and lower of the plate, a vertically-arranged mouth (B) in the plate, positioned intermediate of the throats. In contrast to the presently claimed lace securing and adjusting device, *Stewart* does not teach a central aperture having at least four sides. *Stewart* therefore does not disclose each element of the claimed invention and does not anticipate amended Claim 1.

It is therefore urged that Claims 1-5, 14-15, and 19 are not anticipated by *Stewart*, and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

***Claim Rejections - 35 U.S.C. §103(a)***

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Stewart* in view of *Webster* (U.S. Patent No. 679,930). This rejection is respectfully traversed, particularly in view of the following remarks.

The Examiner states that *Stewart* discloses the claimed device except for the central aperture further comprising an inner wall that forms an acute angle with one of said top or bottom surfaces, and that *Webster* teaches a cord retaining device having a central aperture (slot C) provided with an inner wall that forms an acute angle with one of the top or bottom surfaces. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have amended the inner wall of the central aperture of *Stewart*'s device to form an acute angle with one of the top or bottom surfaces in order to provide "an excellent grip to the cord" as described by *Webster*.

Applicant respectfully submits that the combination of *Stewart* and *Webster*, viewed as a whole, neither teaches nor suggests the invention recited in Applicant's Claim 20. Independent and amended Claim 1 recites: "a device for securing and adjusting laces....*said body provided*

*with at least two apertures positioned laterally on opposite sides of a center of said body....at least two wedge angles facing each lateral aperture."* Claim 20 depends from Claim 1 and necessarily includes each of the limitations of Claim 1.

The teachings of *Stewart* are discussed above. *Webster* does not remedy any of the deficiencies noted in *Stewart*. Accordingly, Claim 20 cannot be obvious in view of the combined teachings of *Stewart* and *Webster* viewed for the whole of their teachings.

It is therefore urged that *Stewart*, in view of *Webster*, would not render Claim 20 obvious to one of skill in the art, and that the present rejection of the Claim 20 under 35 U.S.C. §103(a) may be properly withdrawn.

#### ***Allowable Subject Matter***

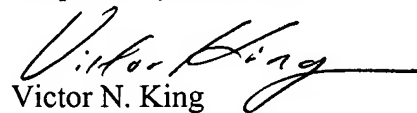
Applicant notes that the Examiner pointed out in the Office Action that Claims 6-13, and 16-18 would be allowable if rewritten in independent form and including all of the limitations of the base and intervening claims.

Applicant believes that Claim 1 is now allowable in view of the above amendments and remarks, and since Claims 2-20 depend from and incorporate every limitation of amended Claim 1, it necessarily follows that Claims 2-20 are also allowable.

#### ***Conclusion***

In view of the above amendments and remarks, Applicant believes that all of the Examiner's concerns have been addressed. Early reconsideration and allowance of Claims 1-20 is respectfully requested.

Respectfully submitted,



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Date: November 22, 2004

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